

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

TONY L. EPPS, et al., on behalf of themselves)
and all others Similarly-Situated,)
Plaintiffs,)
)
v.)
)
ARISE SCAFFOLDING & EQUIPMENT, INC.,)
et al.,)
Defendants.)

FILED

MAR 22 2011

**CLERK, U.S. DISTRICT COURT
NORFOLK, VA**

Civil Action No. 2:10cv189

ORDER

The following named plaintiffs, James D. Reeves, Anthony L. Briggs, Love N. Dexter, Andre Jerome Hoggard, Allen L. Dudley, Jeremy J. Triplett, Gregory A. Wright, Marquel J. Winbourne, Henry M. Boone, Joshua E. King, Leon Hayes, Jr., as Administrator for Leon Hayes, III, Darae E. Council, Troy J. Stephens, Azaza M. Hudson, Antwone M. Wright, Moises M. Esquelin, and Cedric W. Morse, individually and in their representative capacity on behalf of themselves, as well as the following similarly-situated parties, Steven M. Atkins, Robert H. Biggs, Kenneth M. Bond, Christopher J. Boone, Claude Q. Brooks, Jr., Brandon T. Brown, Julian R. Brown, James P. Byrd, Stephen A. Cashwell, Jacob C. Chandler, Michael A. Dalessandro, Jeffrey E. Dancy, Robert O. Dent, Dwayntavious T. Eason, Michael Edwards, Troy D. Eley, Joseph R. Fields, Louis Freeman, Stephen F. Friedel, Antoine R. Highsmith, Calvin S. Hogan, Ricky L. Holloman, Naeem K. Hudson, Jason I. Jackson, Dedric R. Johnson, Stanlee S. Jones, Jeremy L. Kidd, Avery M. Lawton, Bryan Lundberg, Keddrick F. McIntosh, Shawn K. Mills, Michael C. Morris, Christopher W. Mulhall, Lue D. Paige, Timothy M. Palmer, Jamal T. Perdue, Leander Perry, Nathan J. Pope, Terry A. Reed, Jose D. G. Rodriguez, Anthony R. Roulhac, Sr., Gary B. Satterfield, Ar-Rashid Shabazz, Cody J. Sykes, James M. Timmons, Travis Tucker, Jeremiah A. Valentine, Charles A. Watson, Jr., Brandon L. Williams, Deangelo D. Wright, and Kente D. Wright, (collectively, the "TSI Plaintiffs"), by counsel, and Tidewater Staffing, Inc., Defendant, by counsel, (collectively, the "TSI Parties"), have moved the Court to approve the settlement reached between the TSI Parties in the above-captioned action.

Order Approving Settlement
Between TSI Plaintiffs and Tidewater Staffing, Inc.
Epps v. Waco Equipment Co., et al.,
Civil Action No. 2:10cv189

In considering whether to approve the settlement agreement, the Court would note the following:

That the matter between the TSI Parties has been heavily litigated, TSI having filed motions for partial summary judgment on liability and on the statute of limitations, as well as motions to decertify the conditional class and to bifurcate the trial on the issues of liability and damages;

That the general terms of the settlement were reached by the TSI Parties after discovery had been completed and approximately four days before the original trial date in this matter;

That counsel for the TSI Plaintiffs has extensive experience in litigating unpaid overtime claims under the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; and

That the TSI Parties had had lengthy settlement discussions before, which had proved unsuccessful.

IT APPEARING that the TSI Parties have reached a mutually acceptable resolution of their dispute, the Court hereby APPROVES the Settlement Agreement. *See Brooklyn Sav. Bank v. O'Neil*, 324 U.S. 697, 706-710 (1945); *Boone v. City of Suffolk*, 79 F. Supp. 2d 603, 609 (E.D. Va. 1999) (citing *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982)).

The Court directs the Clerk to send an attested copy of the Order to all counsel of record.

It is so ORDERED.

ENTERED this 22nd day of March, 2011.
/s/

Rebecca Beach Smith
United States District Judge
UNITED STATES DISTRICT JUDGE

The court has reviewed the Settlement Agreement, as attached to the Joint Motion for Approval of Settlement Agreement and Release, ECF No. 162, and found it to be a fair and reasonable resolution of the bona fide FLSA dispute between the TSI plaintiffs and Tidewater Staffing, Inc.

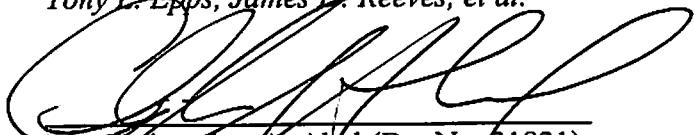
WE ASK FOR THIS:

Christian Connell

Christian L. Connell (Bar No. 35009)

Counsel for the Plaintiffs

Tony L. Epps, James D. Reeves, et al.



Mr. Christopher A. Abel (Bar No. 31821)

Counsel for Tidewater Staffing, Inc.

Seen:

SWS

Mr. Scott W. Kezman (Bar No. 36831)

Ms. Anna R. Smith (Bar No. 65867)

*Counsel for Arise Scaffolding & Equipment, Inc.,
d/b/a Arise Waco Scaffolding & Equipment Co.*